

United States Environmental Protection Agency
Region 10
1200 Sixth Avenue
Seattle, Washington 98101

**AUTHORIZATION TO DISCHARGE UNDER THE
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM**

In compliance with the provisions of the Clean Water Act,
33 U.S.C. §1251 et seq., as amended by the Water Quality Act of 1987, P.L. 100-4, the "Act",

City of Seward

is authorized to discharge from a facility located in Seward, Alaska, to receiving waters named
Resurrection Bay, at the following location:

<u>Outfall Serial Number</u>	<u>Latitude</u>	<u>Longitude</u>
001	60° 05' 00" N	149° 26' 17" W

in accordance with discharge point(s), effluent limitations, monitoring requirements and other
conditions set forth herein.

This permit shall become effective

This permit and the authorization to discharge shall expire at midnight,

Signed this __ day of ___, 19__.

Randall F. Smith, Director
Office of Water, Region 10
U.S. Environmental Protection Agency

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I. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS.

A. Effluent Limitations Requirements

1. Beginning on the effective date of this permit, the permittee is authorized to discharge from outfall 001, subject to the restrictions set forth herein. This permit does not authorize the discharge of any waste streams, including spills and other unintentional or non-routine discharges of pollutants, that are not part of the normal operation of the facility as disclosed in the permit application, or any pollutants that are not ordinarily present in such waste streams.
2. There must be no discharge of floating solids, visible foam or oily wastes which produce a sheen on the surface of the receiving water.
3. The following effluent limits must apply at all times during the months that are listed:

Table 1A: Outfall 001 Effluent Limits During the Months of <u>July, August, September, October</u>			
Parameter	Average Monthly Limit	Average Weekly Limit	Maximum Daily Limit
BOD ₅ ¹ mg/l lb/day Percent Removal ²	45 330 65	65 477	65 477
TSS ¹ mg/l lb/day Percent Removal ²	45 330 65	65 477	65 477
Fecal Coliform ³ #/100 ml	5 x 10 ⁴	---	---
Footnotes: 1 Percent removal of BOD ₅ and TSS must be reported monthly on the Discharge Monitoring Reports (DMRs). For both BOD ₅ and TSS, the monthly average percent removal shall be calculated from the arithmetic mean of the influent values and the arithmetic mean of the effluent values for that month 2 The percent removal requirements represent a minimum. 3 The mixing zone for fecal coliform bacteria shall be rectangular in shape, with a length of 400 meters and a width of 100 meters, centered over the outfall diffuser, and extending from the marine bottom to the receiving water surface. The dilution factor is 3500 to 1 for the parameter of fecal coliform that is present in the discharge. Fecal coliform numbers shall not exceed a 30 day average of 5 x 10 ⁴ (50,000) per 100 ml. Outside the mixing zone the fecal coliform concentrations shall not exceed a maximum of 14 FC/100 ml.			

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Table 1B: Outfall 001 Effluent Limits During the Months of <u>November through June</u>			
Parameter	Average Monthly Limit	Average Weekly Limit	Maximum Daily Limit
BOD ₅ ¹ mg/l lb/day Percent Removal ²	30 220 85	45 330	65 477
TSS ¹ mg/l lb/day Percent Removal ²	30 220 85	45 330	65 477
Fecal coliform ³ #/100 ml	5 x 10 ⁴	---	---
Footnotes: 1 Percent removal of BOD ₅ and TSS must be reported monthly on the Discharge Monitoring Reports (DMRs). For both BOD ₅ and TSS, the monthly average percent removal shall be calculated from the arithmetic mean of the influent values and the arithmetic mean of the effluent values for that month. 2 The percent removal requirements represent a minimum. 3 The mixing zone for fecal coliform bacteria shall be rectangular in shape, with a length of 400 meters and a width of 100 meters, centered over the outfall diffuser, and extending from the marine bottom to the receiving water surface. The dilution factor is 3500 to 1 for the parameter of fecal coliform that is present in the discharge. Fecal coliform numbers shall not exceed a 30 day average of 5 x 10 ⁴ (50,000) per 100 ml. Outside the mixing zone the fecal coliform concentrations shall not exceed a maximum of 14 FC/100 ml.			

4. The pH of the effluent must be between 6.5 and 8.5 standard units.

B. Monitoring Requirements

1. Influent and Effluent Monitoring Requirements

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Table 2 - Monitoring Requirements

<u>Effluent Parameter</u>	<u>Sample Location</u>	<u>Sample Frequency</u>	<u>Sample Type</u>
Total Flow (mgd)	Influent or Effluent	Continuous	Recording
BOD ₅ (mg/l)	Influent & Effluent	Two/month	24-hr. composite
TSS (mg/l)	Influent & Effluent	Two/month	24-hr. composite
pH (standard units)	Effluent	Five/week	Grab
Fecal Coliform (#/100 ml)	Effluent	One/week	Grab
Total Ammonia (as N) (mg/l)	Effluent	One/month	Grab
Temperature (° C)	Effluent	One/month	Grab

- a. Effluent samples must be collected after the last treatment unit prior to discharge.
- b. Influent and effluent composite samples must be collected during the same 24-hour period.
- c. Ammonia, pH, and temperature must have samples collected at the same time.

2. Receiving Water Monitoring Requirements

- a. A monitoring station must be established in Resurrection Bay outside of the influence of the facility effluent discharge. The monitoring station must be approved by Alaska Department of

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Environmental Conservation (ADEC) no later than 120 days after the permit issuance date.

- b. Monitoring for total ammonia as N, pH, temperature, and salinity must be conducted monthly. All four parameters must have samples collected at the same time. The monitoring must begin 1 year after the issuance of the permit and must continue for two years.

C. Quality Assurance Plan The permittee must develop a quality assurance plan (QAP) for all monitoring required by this permit. The plan must be completed and implemented within 120 days of the issuance date of this permit. Also, a letter must be sent to EPA and ADEC within 120 days of the issuance of this permit stating that the plan and implementation has started within the time frame required. Any existing QAPs may be modified for this requirement.

1. The QAP must be designed to assist in planning for the collection and analysis of effluent and receiving water samples in support of the permit and in explaining data anomalies when they occur.
2. Throughout all sample collection and analysis activities, the permittee must use the EPA-approved QA/QC and chain-of-custody procedures described in *Requirements for Quality Assurance Project Plans* (EPA/QA/R-5) and *Guidance for Quality Assurance Project Plans* (EPA/QA/G-5). The QAP must be prepared in the format which is specified in these documents.
3. At a minimum, the QAP must include the following:
 - a. Details on the number of samples, type of sample containers, preservation of samples, holding times, analytical methods, analytical detection and quantitation limits for each target compound, type and number of quality assurance field samples, precision and accuracy requirements, sample preparation requirements, sample shipping methods, and laboratory data delivery requirements.
 - b. Map(s) indicating the location of each sampling point.
 - c. Qualification and training of personnel.

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- d. Name(s), address(es) and telephone number(s) of the laboratories, used by or proposed to be used by the permittee.
4. The permittee must amend the QAP whenever there is a modification in sample collection, sample analysis, or other procedure addressed by the QAP.
5. Copies of the QAP must be kept on site and made available to EPA and/or ADEC upon request.

D. Operation and Maintenance Plan.

1. The Permittee must develop an Operation and Maintenance Plan within 120 days of the issuance date of the final permit and ensure that it includes appropriate best management practices (BMPs); the plan must be reviewed annually thereafter. BMPs include measures which prevent or minimize the potential for the release of pollutants to Resurrection Bay. The Plan must be retained on site and made available to EPA upon request.
2. The permittee must develop a description of pollution prevention measures and controls appropriate for the facility. The appropriateness and priorities of controls in the Plan must reflect identified potential sources of pollutants at the facility. The description of BMPs must address, to the extent practicable, the following minimum components: spill prevention and control; optimization of chemical usage; preventive maintenance program; research, development and implementation of a public information and education program to control the introduction of household hazardous materials to the sewer system; and water conservation.

II. SLUDGE (BIOSOLIDS) MANAGEMENT REQUIREMENTS

Sludge Management Requirements. The permittee must ensure that a biosolids permit application (Form 2S) is on file with the EPA before the permittee plans to dispose of any biosolids during this permit term.

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III. MONITORING, RECORDING, AND REPORTING REQUIREMENTS

- A. Representative Sampling (Routine and Non-Routine Discharges).** Samples and measurements must be representative of the volume and nature of the monitored discharge.

In order to ensure that the effluent limits set forth in this permit are not violated at times other than when routine samples are taken, the permittee must collect additional samples at the appropriate outfall whenever any discharge occurs that may reasonably be expected to cause or contribute to a violation that is unlikely to be detected by a routine sample. The permittee must analyze the additional samples for those parameters limited in Part I.A. of this permit that are likely to be affected by the discharge.

The permittee must collect such additional samples as soon as the spill, discharge, or bypassed effluent reaches the outfall. The samples must be analyzed in accordance with paragraph III.C. ("Monitoring Procedures"). The permittee must report all additional monitoring in accordance with paragraph III.D. ("Additional Monitoring by Permittee")

- B. Reporting of Monitoring Results.** Monitoring results must be summarized each month on the Discharge Monitoring Report (DMR) form (EPA No. 3320-1). The reports shall be submitted monthly and are to be postmarked by the 10th day of the following month. Legible copies of these, and all other reports, shall be signed and certified in accordance with the requirements of Part V.E., ("Signatory Requirements"), and submitted to the Director, Water Division and the State agency at the following addresses:

original to:

United States Environmental Protection Agency (EPA) Region 10
1200 Sixth Avenue, OW-130
Seattle, Washington 98101

copy to:

Alaska Department of Environmental Conservation (ADEC)
Southcentral Region
Attn: Wastewater Section
555 Cordova Street
Anchorage, Alaska 99501

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- C. Monitoring Procedures.** Monitoring must be conducted according to test procedures approved under 40 CFR Part 136, unless other test procedures have been specified in this permit.
- D. Additional Monitoring by the Permittee.** If the permittee monitors any pollutant more frequently than required by this permit, using test procedures approved under 40 CFR 136 or as specified in this permit, the results of this monitoring must be included in the calculation and reporting of the data submitted in the DMR. Such increased frequency shall also be indicated.
- E. Records Contents.** Records of monitoring information shall include:
1. The date, exact place, and time of sampling or measurements;
 2. The individual(s) who performed the sampling or measurements;
 3. The date(s) analyses were performed;
 4. The individual(s) who performed the analyses;
 5. The analytical techniques or methods used; and
 6. The results of such analyses.
- F. Retention of Records.** The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least five years from the date of the sample, measurement, report or application or until the expiration of this permit. This period may be extended by request of the Director or ADEC at any time. Data collected on-site, copies of Discharge Monitoring Reports, and a copy of the current NPDES permit must be maintained on-site during the duration of activity at the permitted location.
- G. Twenty-four Hour Notice of Noncompliance Reporting.**
1. The following occurrences of noncompliance shall be reported by telephone within 24 hours from the time the permittee becomes aware of the circumstances:
 - a. Any noncompliance which may endanger health or the environment;

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- b. Any unanticipated bypass which exceeds any effluent limitation in the permit (See Part IV.G., “Bypass of Treatment Facilities.”);
 - c. Any upset which exceeds any effluent limitation in the permit (See Part IV.H., “Upset Conditions”.); or
 - d. Violation of a maximum daily discharge limitation for any of the pollutants listed in the permit to be reported within 24 hours.
 - e. Any overflow prior to the treatment works, whether or not such overflow endangers health or the environment or exceeds any effluent limitations in the permit.
2. A written submission shall also be provided within five days of the time that the permittee becomes aware of the circumstances. The written submission must contain:
- a. A description of the noncompliance and its cause;
 - b. The period of noncompliance, including exact dates and times;
 - c. The estimated time noncompliance is expected to continue if it has not been corrected; and
 - d. Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.
 - e. If the non compliance involves an overflow prior to the treatment works, an estimate of the quantity (in gallons) of untreated overflow.
3. The Director may waive the written report on a case-by-case basis if the oral report has been received within 24 hours by the Water Compliance Section in Seattle, Washington, by phone, (206) 553-1846.
4. Reports shall be submitted to the addresses in Part III.B., (“Reporting of Monitoring Results”).

H. Other Noncompliance Reporting. Instances of noncompliance not required to be reported within 24 hours must be reported at the time that monitoring reports for Part III.B. (“Reporting of Monitoring Results”) are submitted. The reports

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shall contain the information listed in Part III.G. (“Twenty-four Hour Notice of Noncompliance Reporting”) of this permit.

I. Notice of New Introduction of Pollutants. The permittee must provide adequate notice to the Director, Water Division and ADEC of:

1. Any new introduction of pollutants into the treatment works from an indirect discharger which would be subject to Sections 301 or 306 of the Act if it were directly discharging those pollutants; and
2. Any substantial change in the volume or character of pollutants being introduced into the treatment works by a source introducing pollutants into the treatment works at the time of issuance of the permit.
3. For the purposes of this section, adequate notice must include information on:
 - a. The quality and quantity of effluent to be introduced into such treatment works; and
 - b. Any anticipated impact of the change on the quantity or quality of effluent to be discharged from such publicly owned treatment works.

J. Planned Changes. The permittee shall give notice to the Director and ADEC as soon as possible of any planned physical alterations or additions to the permitted facility whenever:

1. The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source as determined in 40 CFR 122.29(b); or
2. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are not subject to effluent limitations in this permit.
3. The alteration or addition results in a significant change in the permittee’s sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application site.

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- K. Anticipated Noncompliance.** The permittee shall also give advance notice to the Director and ADEC of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.
- L. Compliance Schedules.** Reports of compliance or noncompliance with, or any progress reports on interim and final requirements contained in any Compliance Schedule of this permit shall be submitted no later than 10 days following each schedule date.

IV. COMPLIANCE RESPONSIBILITIES

- A. Duty to Comply.** The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application. The permittee shall give advance notice to the Director and ADEC of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.
- B. Penalties for Violations of Permit Conditions.**
1. **Civil Penalty and Administrative Penalties.** The Act provides that any person who violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Act shall be subject to a civil penalty, not to exceed \$27,500 per day for each violation.
 2. **Administrative Penalties.** Any person may be assessed an administrative penalty by the Administrator for violating section 301, 302, 306, 307, 308, 318 or 405 of this Act, or any permit condition or limitation implementing any of such sections in a permit issued under section 402 of this Act. Pursuant to 40 CFR 19 and the Act, administrative penalties for Class I violations are not to exceed the maximum amounts authorized by Section 309(g)(2)(A) of the Act and the Federal Civil Penalties Inflation Adjustment Act (28 U.S.C. § 2461 note) as amended by the Debt Collection Improvement Act (31 U.S.C. § 3701 note) (currently \$11,000 per violation, with the maximum amount of any Class I penalty assessed not to exceed \$27,500). Pursuant to 40 CFR 19 and the Act, penalties for Class II violations are not to exceed the maximum amounts authorized by Section 309(g)(2)(B) of the Act and the Federal Civil Penalties Inflation Adjustment Act (28 U.S.C. § 2461 note) as amended by the Debt Collection Improvement Act (31 U.S.C. § 3701 note) (currently \$11,000

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per day for each day during which the violation continues, with the maximum amount of any Class II penalty not to exceed \$137,500).

3. Criminal Penalties:

- a. Any person may be assessed an administrative penalty by the Administrator for violating section 301, 302, 306, 307, 308, 318 or 405 of this Act, or any permit condition or limitation implementing any of such sections in a permit issued under section 402 of this Act. Pursuant to 40 CFR 19 and the Act, administrative penalties for Class I violations are not to exceed the maximum amounts authorized by Section 309(g)(2)(A) of the Act and the Federal Civil Penalties Inflation Adjustment Act (28 U.S.C. § 2461 note) as amended by the Debt Collection Improvement Act (31 U.S.C. § 3701 note) (currently \$11,000 per violation, with the maximum amount of any Class I penalty assessed not to exceed \$27,500). Pursuant to 40 CFR 19 and the Act, penalties for Class II violations are not to exceed the maximum amounts authorized by Section 309(g)(2)(B) of the Act and the Federal Civil Penalties Inflation Adjustment Act (28 U.S.C. § 2461 note) as amended by the Debt Collection Improvement Act (31 U.S.C. § 3701 note) (currently \$11,000 per day for each day during which the violation continues, with the maximum amount of any Class II penalty not to exceed \$137,500).
- b. **Knowing Violations.** Any person who knowingly violates such sections, or such conditions or limitations is subject to criminal penalties of \$5,000 to \$50,000 per day of violation, or imprisonment for not more than 3 years, or both. In the case of a second or subsequent conviction for a knowing violation, a person shall be subject to criminal penalties of not more than \$100,000 per day of violation, or imprisonment of not more than 6 years, or both.
- c. **Knowing Endangerment.** Any person who knowingly violates section 301, 302, 303, 306, 307, 308, 318 or 405 of the Act, or any permit condition or limitation implementing any of such sections in a permit issued under section 402 of the Act, and who knows at that time that he thereby places another person in imminent danger of death or serious bodily injury, shall, upon conviction, be subject to a fine of not more than \$250,000 or imprisonment of not more than 15 years, or both. In the case of a second or subsequent

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conviction for a knowing endangerment violation, a person shall be subject to a fine of not more than \$500,000 or by imprisonment of not more than 30 years, or both. An organization, as defined in section 309(c)(3)(B)(iii) of the Act, shall, upon conviction of violating the imminent danger provision, be subject to a fine of not more than \$1,000,000 and can be fined up to \$2,000,000 for second or subsequent convictions.

- d. **False Statements.** The Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than \$10,000, or by imprisonment for not more than 2 years, or both. If a conviction of a person is for a violation committed after a first conviction of such person under this paragraph, punishment is a fine of not more than \$20,000 per day of violation, or by imprisonment of not more than 4 years, or both. The Act further provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or non-compliance shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than 6 months per violation, or by both.

Except as provided in permit conditions in Part IV.G., (“Bypass of Treatment Facilities”) and Part IV.H., (“Upset Conditions”), nothing in this permit shall be construed to relieve the permittee of the civil or criminal penalties for noncompliance.

- C. **Need to Halt or Reduce Activity not a Defense.** It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.
- D. **Duty to Mitigate.** The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.
- E. **Proper Operation and Maintenance.** The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and

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related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit.

F. Removed Substances. Solids, biosolids, filter backwash, or other pollutants removed in the course of treatment or control of wastewaters shall be disposed of in a manner such as to prevent any pollutant from such materials from entering navigable waters.

G. Bypass of Treatment Facilities.

1. Bypass not exceeding limitations. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of paragraphs 2 and 3 of this section.
2. Notice:
 - a. Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least 10 days before the date of the bypass.
 - b. Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required under Part III.G., Twenty-four Hour Notice of Noncompliance Reporting.
3. Prohibition of bypass.
 - a. Bypass is prohibited and the Director or ADEC may take enforcement action against a permittee for a bypass, unless:
 - (i) The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

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- (ii) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
 - (iii) The permittee submitted notices as required under paragraph 2 of this section.
- b. The Director and ADEC may approve an anticipated bypass, after considering its adverse effects, if the Director and ADEC determine that it will meet the three conditions listed above in paragraph 3.a. of this section.

H. Upset Conditions.

1. Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology based permit effluent limitations if the requirements of paragraph 2 of this section are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.
2. Conditions necessary for a demonstration of upset. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
 - a. An upset occurred and that the permittee can identify the cause(s) of the upset;
 - b. The permitted facility was at the time being properly operated;
 - c. The permittee submitted notice of the upset as required under Part III.G., (“Twenty-four Hour Notice of Noncompliance Reporting”); and

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- d. The permittee complied with any remedial measures required under Part IV.D., (“Duty to Mitigate”).
 3. Burden of proof. In any enforcement proceeding, the permittee seeking to establish the occurrence of an upset has the burden of proof.
- I. **Toxic Pollutants.** The permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the Act for toxic pollutants within the time provided in the regulations that establish those standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.
- J. **Planned Changes.** The permittee must give notice to the Director and ADEC as soon as possible of any planned physical alterations or additions to the permitted facility whenever:
 1. The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source as determined in 40 CFR 122.29(b); or
 2. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants that are not subject to effluent limitations in this permit.
 3. The alteration or addition results in a significant change in the permittee’s sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application site.

V. GENERAL PROVISIONS

- A. **Permit Actions.** This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

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- B. Duty to Reapply.** If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a new permit. The application should be submitted at least 180 days before the expiration date of this permit.
- C. Duty to Provide Information.** The permittee shall furnish to the Director and ADEC, within a reasonable time, any information which the Director or ADEC may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The permittee shall also furnish to the Director or ADEC, upon request, copies of records required to be kept by this permit.
- D. Other Information.** When the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or any report to the Director or ADEC, it shall promptly submit such facts or information.
- E. Signatory Requirements.** All applications, reports or information submitted to the Director and ADEC shall be signed and certified.
1. All permit applications shall be signed as follows:
 - a. For a corporation: by a responsible corporate officer.
 - b. For a partnership or sole proprietorship: by a general partner or the proprietor, respectively.
 - c. For a municipality, state, federal, or other public agency: by either a principal executive officer or ranking elected official.
 2. All reports required by the permit and other information requested by the Director or ADEC shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
 - a. The authorization is made in writing by a person described above and submitted to the Director and ADEC, and

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- b. The authorization specified either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.)
3. Changes to authorization. If an authorization under paragraph V.E.2. ("Signatory Requirements") is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of paragraph V.E.2. must be submitted to the Director and ADEC prior to or together with any reports, information, or applications to be signed by an authorized representative.
4. Certification. Any person signing a document under this section shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

- F. Availability of Reports.** Except for data determined to be confidential under 40 CFR Part 2, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the Director and ADEC. As required by the Act, permit applications, permits and effluent data shall not be considered confidential.
- G. Inspection and Entry.** The permittee shall allow the Director, ADEC, or an authorized representative (including an authorized contractor acting as a representative of the Administrator), upon the presentation of credentials and other documents as may be required by law, to:

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1. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
3. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
4. Sample or monitor at reasonable times, for the purpose of assuring permit compliance or as otherwise authorized by the Act, any substances or parameters at any location.

H. Oil and Hazardous Substance Liability. Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under Section 311 of the Act.

I. Property Rights. The issuance of this permit does not convey any property rights of any sort, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, state or local laws or regulations.

J. Severability. The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

K. Transfers. This permit may be automatically transferred to a new permittee if:

1. The current permittee notifies the Director at least 30 days in advance of the proposed transfer date;
2. The notice includes a written agreement between the existing and new permittees containing a specific date for transfer of permit responsibility, coverage, and liability between them; and
3. The Director does not notify the existing permittee and the proposed new permittee of his or her intent to modify, or revoke and reissue the permit.

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If this notice is not received, the transfer is effective on the date specified in the agreement mentioned in paragraph 2 above.

- L. State Laws.** Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable state law or regulation under authority preserved by Section 510 of the Act.
- M. Reopened** This permit may be modified in accordance with the requirements set forth at 40 CFR Parts 122 and 124, to include appropriate conditions or limits to address demonstrated effluent toxicity based on newly available information, or to implement any EPA-approved new State water quality standards applicable to effluent toxicity.

VI. DEFINITIONS

1. “Acute Toxic Unit (TU_A)” is a measure of acute toxicity. The number of acute toxic units in the effluent is calculated as $100/LC_{50}$, where the LC_{50} is measured in percent effluent.
2. “Administrator” means the Administrator of the USEPA, or an authorized representative.
3. “Average monthly discharge limitation” means the highest allowable average of “daily discharges” over a calendar month. For pollutants other than E. coli bacteria, the average monthly discharge must be calculated as the sum of all “daily discharges” measured during a calendar month divided by the number of “daily discharges” measured during the month. For E. coli bacteria, the average monthly discharge must be calculated as a geometric mean.
4. “Average weekly discharge limitation” means the highest allowable average of “daily discharges” over a calendar week. For pollutant other than E. coli bacteria, the average weekly discharge must be calculated as the sum of all “daily discharges” measured during the calendar week divided by the number of “daily discharges” measured during that week. For E. coli bacteria, the average weekly discharge must be calculated as a geometric mean.
5. “Bypass” means the intentional diversion of waste streams from any portion of a treatment facility.
6. “Chronic Toxic Unit (TU_C)” is a measure of chronic toxicity. The number of chronic toxic units in the effluent is calculated as $100/NOEC$ where the NOEC is measured in percent effluent.

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7. "Daily discharge" means the discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in units of mass, the "daily discharge" is calculated as the total mass of the pollutant discharged over the day. For pollutants with limitations expressed in other units of measurement, the "daily discharge" is calculated as the average measurement of the pollutant over the day.

8. "Daily maximum discharge limitation" means the highest allowable daily discharge.

9. "Director" means the Director of Office of Water, EPA Region 10, or an authorized representative.

10. "DMR" means discharge monitoring report.

11. "EPA" means the United States Environmental Protection Agency.

12. "Grab" sample means a single sample or measurement taken at a specific time or over as short a period of time as is feasible.

13. "LC₅₀" is a point estimate of the effluent concentration that would be lethal to 50 percent of the test organisms exposed over a specific time period.

14. "Maximum Daily discharge limitation" means the highest allowable "daily discharge".

15. "Monthly average discharge limitation" means the highest allowable average of "daily discharges" over a calendar month. For fecal coliform bacteria, this shall be calculated as the geometric mean of all samples collected during the calendar month. For all other parameters, the average monthly discharge shall be calculated as the sum of all "daily discharges" divided by the number of "daily discharges" measured during the month.

16. The "no observable effect concentration" (NEC) is the effluent concentration in control water at which there is no statistically significant difference (at the 95 percent confidence level) in survival, growth, or reproduction between the control and test organisms.

17. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

18. "Sewage sludge" is solid, semi-solid, or liquid residue generated during the treatment of domestic sewage in a treatment works. Sewage sludge includes, but is not limited to,

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domestic septage; scum or solids removed in primary, secondary, or advanced wastewater treatment processes; and a material derived from sewage sludge. Sewage sludge does not include ash generated during the firing of sewage sludge in a sewage sludge incinerator or grit and screenings generated during preliminary treatment of domestic sewage in a treatment works.

19. “Upset” means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

20. “Weekly average discharge limitation” means the highest allowable average of “daily discharges” over a calendar week, calculated as the sum of all “daily discharges” measured during a calendar week divided by the number of “daily discharges” measured during that week.

21. “24-hour composite sample” means a flow-proportioned mixture of not less than 8 discrete aliquots. Each aliquot shall be grab sample of not less than 100 ml and shall be collected and stored in accordance with procedures prescribed in the most recent edition of *Standard Methods for the Examination of Water and Wastewater*.

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